

Amendments to the Drawings:

The attached drawing sheets include changes to Fig. 2. The sheet with changes to Fig. 2 replaces the original sheet. A delivery device is added and is described in the as-filed specification. See ¶ 7 and 17. The attached drawing sheets also include a “new” drawing sheet which is added to show stents having different patterns and different lengths as described in the as-filed specification. See ¶ 16.

Attachment: Replacement Sheet

New Sheet

REMARKS**I. Status of Claims**

After the above amendments, claims 1-6 and 8-20 are pending. Claims 1-6 and 8-13 are amended. Claims 14-20 have been previously withdrawn from consideration. Claim 7 is canceled. Claims 1 and 6 are independent.

Claims 1-4 and 6-11 stand rejected under 35 U.S.C. 102(a) as allegedly being anticipated by U.S. Patent Publication No. 2003/0204245 to Brightbill. Claim 13 also stands rejected as allegedly being anticipated and/or obvious over Brightbill '245. Claims 1, 5-7, 10, and 12 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 5,330,500 to Song.

II. Specification

Applicant added paragraph [0015.1] and amended paragraphs [0014], [0016], and [0017] to further discuss in general terms the features described in the as-filed specification with respect to amended FIG. 2 and newly added FIG. 4. Accordingly, no new matter is added.

III. Drawings

FIG. 2 is amended to show a delivery device as described in paragraph [0007] and [0017] of the specification. FIG. 4 is newly added to show claimed features described in the as-filed specification. No new matter is added.

IV. Rejections under 35 U.S.C. 102 and 103

Claims 1 and 6 stand rejected under 35 U.S.C. 102(a) as allegedly being anticipated by U.S. Patent Publication No. 2003/0204245 to Brightbill.

The undersigned submits that claim 1 is at least patentable over Brightbill '245 because it recites, "...a delivery device adapted to expand the stents simultaneously ...the first stent is located within the second stent...and the stents are affixed to each other prior to insertion into the patient." (emphasis added)

The undersigned also submits that claim 6 is at least patentable over Brightbill '245 because it recites, "...a preassembled stent assembly ... a delivery device adapted to expand the stents simultaneously ...the first stent is located at least substantially inside of the second stent prior to insertion into the patient." (emphasis added)

With respect to claim 1, Applicant submits that Brightbill '245 does not disclose or suggest a delivery device adapted to expand the stents simultaneously or first and second stents affixed prior to insertion into the patient. Comparatively, the stents of Brightbill '245 are expanded individually and not simultaneously as required by claim 1. Moreover, the first and second stents of Brightbill '245 are not affixed, especially not prior to insertion into the patient.

Regarding claim 6, the first and second stents of Brightbill '245 are not preassembled prior to insertion into the patient. The second stent of Brightbill '245 is positioned within the patient after the first stent has been positioned and expanded within the patient, not before. In contrast, claim 6 requires that the first and second stents are preassembled prior to insertion into the patient. Once positioned inside the patient, the stents are expanded simultaneously.

For at least these reasons claims 1 and 6 and its dependents claims are each patentable over Brightbill '245.

Claims 1 and 6 also stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,330,500 to Song.

The undersigned submits that claims 1 and 6 are at least patentable over Song '500 because they recite, "a second stent." (emphasis added)

In contrast, Song '500 discloses and claims only one stent 1 having a mesh 91. More specifically, Song '500 discloses a stent 1 wrapped in a mesh 91 made of nylon to prevent cells from penetrating the inside of the stent. Claims 1 and 6 of the present invention require first and second stents each adapted to deliver a coating such as therapeutic. Stents are not only compressible and expandable, but can act as scaffolds to support the lumen or vessel wall of a patient. The mesh 91 of Song '500 has different structural and functional characteristics than a stent. Therefore, in the instant case, the mesh 91 cannot be reasonably interpreted as a second stent.

For at least these reasons claims 1 and 6, as well as their dependent claims, are each patentable over Song '500.

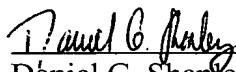
V. Conclusion

In view of the above amendments and remarks, it is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

The Commissioner is authorized to charge any fees or credit any overpayments which may be incurred in connection with this paper under 37 C.F.R. §§ 1.16 or 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,

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